

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF KOOCHICHING

NINTH JUDICIAL DISTRICT

TRACEY R. TURNER,

Case type: Personal Injury

Plaintiff,

Court File No.:

vs.

COMPLAINT

ROEL C. LUBO, OWNER/DRIVER,
INDIVIDUALLY AND DBA ROEL
LUBO TRUCKING SERVICE AND
BISON TRANSPORT, INC., REGISTRANT,

Defendant.

THE STATE OF MINNESOTA TO EACH OF THE ABOVE-NAMED DEFENDANTS.

NOW COMES the Plaintiff and for her complaint and cause of action against the above-named Defendant Roel Lubo, Individually and dba Roel C. Lubo Trucking Service and Bison Transport, Inc., alleges and avers:

I.

That at all times herein relevant Plaintiff Tracey R. Turner, is a resident of the State of Minnesota, City of International Falls, the County of Koochiching, United States.

II.

That at all times relevant Defendant Roel C. Lubo was residing at 576 Inkster Boulevard, Winnipeg, MB R2W 0K9 and Defendant Bison Transport, Inc., the Registrant, is a corporation located with offices at 1051 Sherwin Road, Winnipeg, MB R3H 0T8. Both Defendants were operating a semi-truck and trailer on US Highway 53 Southeast of International Falls, Minnesota in northern USA, St. Louis County, Minnesota.

III.

That venue of this cause of action is properly brought in the County of Koochiching – International Falls, state of Minnesota pursuant to Minn. Stat. 542-095.

IV.

That on January 25, 2017, at approximately 9:00 p.m., the Plaintiff was the driver of a 2008 Buick Enclave, black in color, license plate number 015TEW traveling northbound, on Highway 53 near Kabetogama, Minnesota when the Defendant, your insured, Roel C. Lubo traveling southbound on the same highway lost control of his Semi truck/trailer allowing it to jackknife across traveled portion of the north bound lane.

V.

That the Defendant Roel C. Lubo was negligent and was driving too fast for conditions and without due care for the safety of others when he lost control of his Semi truck/trailer and crossed the centerline; causing the Semi truck/trailer he was driving to jackknife in the middle of the highway causing a violent and forceful collision with the car driven by the Plaintiff, allowing the back axel of the semi-trailer to strike her vehicle at a high rate of speed.

VI.

That as a direct and proximate result of the negligence of the Defendant, either or both of them, the semi-trailer to strike the vehicle driven by the Plaintiff with tremendous power and sufficient force to cause Ms. Turner's vehicle to be catapulted off the highway and approximately 200 feet before coming to rest in the northbound ditch. The impact was so severe, it caused all airbags to deploy in Ms. Turner's vehicle.

VII.

That as a further direct and proximate result of the negligence of Defendant Roel C. Lubo, the Plaintiff Tracey R. Turner was severely and permanently injured. Ms. Turner suffered injuries to the left-side of her body. She agonizes from Costochondritis, Cervicalgia, Shoulder Capulitis, Myofascial Pain Syndrome (MPS) and Prost Traumatic Stress Disorder (PTSD). She incurred medical bills and expenses having approximate value in excess of \$50,000.00 U.S. funds.

VIII.

That as a further direct and proximate result of the negligence of Defendant Roel C. Lubo, the Plaintiff Tracey R. Turner has been unable to perform normal life care functions. Plaintiff has further endured pain, suffering and ongoing disability diminishing her physical abilities and enjoyment of life.

IX.

That as a further direct and proximate result of the negligence of the Defendant Roel C. Lubo, Plaintiff will be required to incur future damages. She will be required to incur future medical expenses for treatment and therapy. She will realize a loss of future earning capacity and will have to continue to endure the pain, suffering and disability; all of which will cause her to restrict her physical activity and reduce her enjoyment of life.

X.

Plaintiff as a result of the negligence of Roel C. Lubo has been damaged in an amount **in excess of \$50,000.00**. She has incurred medical expenses **in excess of \$20,000.00** and has sustained a permanent injury that has resulted in disability for more than 60 days. She is entitled to bring this cause of action pursuant to *Minn. Stat. 65B.51*.

WHEREFORE, Plaintiff demands judgment against the Defendants, either or both of them, in an amount in excess of **\$50,000.00** together with costs and disbursements herein incurred.

ACKNOWLEDGMENT

The parties acknowledge that the costs, disbursements, witness and reasonable attorney's fees may be awarded to the prevailing party pursuant to **Minn. Stat. § 549.211**.

Dated: 8/15/2018

NELSON & BARNHART, LLC



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